

Remarks

In the Office Action dated October 1, 2003, claims 17-25, 28, 30, 32 and 33, in the above-identified U.S. patent application were rejected. Reconsideration of the rejections is respectfully requested in view of the following remarks. Claims 17-25, 28, 30, 32 and 33 remain in this application and claims 1-16, 26-27, 29 and 31 have been canceled.

In the only remaining rejection, claims 17-25, 28, 30, and 32-33 were rejected under 35 USC §112, first paragraph. The signed declaration which was filed on May 6, 2004 shows that a fragment which includes only amino acids 400-501 has been shown to bind to the receptor and exhibits the activity of MP52. In order to advance the prosecution of the present application, claim 28 has been amended to recite fragments which include amino acids 400-501. The N-terminal region of MP52 cannot be fixed which indicates that amino acids which are before the 7 cysteine region are not important but as the data in the declaration shows, longer fragments containing the decisive 7 cysteine region should always be active. The declaration indicates that a fragment starting with the first cysteine (amino acid 400) would have the correct 3-dimensional folding (which is necessary for activity) regardless of the N-terminal amino acids, as discussed in the office action.


Regarding the interaction of type I and type II receptors as suggested in the advisory action, applicants respectfully disagree but in order to further the prosecution of the present application, claim 28 has been amended deleting part

(c) which is directed to a combination with a dimer of another protein of the TGF- β superfamily. This subject matter may be pursued in a divisional application.

Applicants respectfully submit that all of claims 17-25, 28, 30, 32 and 33 are now in condition for allowance. If it is believed that the application is not in condition for allowance, it is respectfully requested that the undersigned attorney be contacted at the telephone number below.

In the event this paper is not considered to be timely filed, the Applicant respectfully petitions for an appropriate extension of time. Any fee for such an extension together with any additional fees that may be due with respect to this paper may be charged to Counsel's Deposit Account No. 02-2135.

Respectfully submitted,

By 

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